REMARKS

In the Office Action, the Examiner rejected claims 1, 4, 6, 11, 12, 17, and 20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,646,676 to Dewkett et al. ("Dewkett"); rejected claims 2, 18, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett in view of U.S. Patent No. 6,286,142 to Ehreth ("Ehreth"); rejected claims 3, 5, 10, 13, 15, 19, 23, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett in view of U.S. Patent No. 6,139,197 to Banks ("Banks"); rejected claims 7-9, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett in view of U.S. Patent No. 6,151,325 to Hluchyj ("Hluchyj"); rejected claims 14 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett in view of Banks and further in view of U.S. Patent No. 6,014,706 to Cannon et al. ("Cannon"); and rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett in view of Banks and further in view of U.S. Patent No. 6,052,715 to Fukui et al. ("Fukui").

By this Reply, Applicant has amended claims 1 and 17, and added new claims 27 and 28. Support for the amendments and new claims can be found in the specification at, for example, page 7, lines 14-21. Claims 1-28 are currently pending, with claims 1 and 17 being independent. Based on the foregoing amendments and the following remarks, Applicant respectfully traverses the rejections of the pending claims.

I. § 102(e) Rejection of Claims 1, 4, 6, 11, 12, 17, and 20 Based on Dewkett

In the Office Action, the Examiner rejected claims 1, 4, 6, 11, 12, 17, and 20 under 35 U.S.C. § 102(e) as being anticipated by Dewkett. Applicant respectfully traverses this rejection.

In order to properly anticipate claims under 35 U.S.C. § 102, a cited reference must explicitly disclose each and every element recited in the claims. *See* M.P.E.P. § 2131 (8th ed., August 2005 rev.). If the reference fails to expressly set forth a particular element, then the Examiner must show that this element is inherently disclosed to substantiate a claim of anticipation. See In re Robertson, 169 F.3d 743, 745 (Fed. Cir. 1999). To establish inherency, the Examiner must specifically identify extrinsic evidence that makes clear to one skilled in the art that the missing element "is necessarily present" in the reference' s disclosure. See id.; see also Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1269 (Fed. Cir. 1991).

Applicant respectfully submits that Dewkett does not disclose each and every element recited in claims 1, 4, 6, 11, 12, 17, and 20. For example. amended independent claim 1 recites, among other things "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams, and the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams." Dewkett does not disclose at least these recited features of amended independent claim 1.

Dewkett is directed to a "scalable interactive multimedia server system for providing on demand data." Dewkett, Title. "The invention [of Dewkett] eliminates bandwidth limitations caused by transmitting movie data (and similar text/graphic data)

through system memory buses and associated buses." Dewkett, col. 4, lines 11-14. Dewkett achieves this by "remov[ing] network data handling operations from the host system." Dewkett, col. 4, lines 35-36. "Only network control operations are retained by the host system over network data transmissions [by] provid[ing] a control hierarchy having one or more multimedia (MM) adapters, each containing one or more multimedia controllers (MMC) to exercise further control over the network data transmission operations." Dewkett, col. 4, lines 36-42. Thus, in the system of Dewkett, it is a set-top-box (STB), a client device, that "maintains a continuous transmission of the movie for smooth TV viewing of the movie data by issuing a series of next block commands to the MM controller (transparent to the human user of the STB)[,] buffers each received data block, and performs any decoding, cryptography, metering, and control function as it outputs the STB buffered data to the attached TV set for viewing and sound." Dewkett, col. 5, line 65 - col. 6, line 5. Each data block of a movie is sent to the STB separately from other data blocks in a uncombined form upon receipt of a next block command which is issued "whenever [the STB box] senses its data buffer is soon to become empty of data." Dewkett, col. 6, lines 15-16.

Therefore, Dewkett does not disclose "processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams . . . ," as recited in amended independent claim 1. As emphasized as key features of the Dewkett invention, the MM/MMC processor of Dewkett does not perform network data handling operations, and thus is not "configured to combine the segments stored in the

set of storage devices into the plurality of video streams and to stream the plurality of video streams," as recited in amended independent claim 1.

For at least above reasons, Dewkett fails to disclose at least "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams, and the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended independent claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102(e) rejection of claim 1 based on Dewkett.

Although of different scope, amended independent claim 17 recites features that are similar to the features recited in amended independent claim 1. Amended independent claim 17 is thus allowable at least for reasons similar to the reasons set forth with respect to amended independent claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102(e) rejection of claim 17 based on Dewkett.

Claims 4, 6, 11, and 12 depend from amended independent claim 1, and claim 20 depends from amended independent claim 17. Claims 4, 6, 11, 12, and 20 are thus allowable at least by virtue of their dependence from an allowable independent claim. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102(e) rejection of claims 4, 6, 11, 12, and 20 based on Dewkett.

II. § 103(a) Rejection of Claims 2, 18, and 26 Based on Dewkett and Ehreth

Applicant respectfully traverses the rejection of claims 2, 18, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett in view of Ehreth. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. § 2143.01(III) (emphasis in original). "All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03. "In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02 (I) (emphases in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Claim 2 depends from amended independent claim 1, and claims 18 and 26 depend from amended independent claim 17. As explained above with respect to claims 1 and 17, Dewkett fails to disclose at least "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams, and the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended independent claim 1 and similarly in amended independent claim 17. Ehreth fails to cure these deficiencies of Dewkett.

Ehreth is directed to "[a] video communicating system (10) includ[ing] a communications controller (30) that interfaces with a broadband/narrowband network (40) to distribute video signals to a plurality of remote sites (104) in a multi-site location (102)." Ehreth, Abstract. Ehreth does not teach or suggest "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams, and the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended independent claim 1 and similarly in amended independent claim 17, and the Office Action does not allege

otherwise because Ehreth is relied upon only for its alleged teachings of "a method for communicating video signals to a plurality of television sets." Office Action at 6.

For at least above reasons, the Examiner has failed to clearly articulate a reason why claims 2, 18, and 26 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 2, 18, and 26 and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

III. § 103(a) Rejection of Claims 3, 5, 10, 13, 15, 19, 23, and 24 Based on Dewkett and Banks

Applicant respectfully traverses the rejection of claims 3, 5, 10, 13, 15, 19, 23, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett in view of Banks. A *prima facie* case of obviousness has not been established.

Claims 3, 5, 10, 13, and 15 depend from amended independent claim 1, and claims 19, 23, and 24 depend from amended independent claim 17. As explained above with respect to claims 1 and 17, Dewkett fails to disclose at least "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams, and the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended independent claim 1

and similarly in amended independent claim 17. Banks fails to cure these deficiencies of Dewkett.

Banks is directed to "[a] method and system . . . for delivering video from a server to a client over a communication medium with a limited bandwidth." Banks, Abstract. Banks does not teach or suggest "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams, and the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended independent claim 1 and similarly in amended independent claim 17, and the Office Action does not allege otherwise because Banks is relied upon only for its alleged teachings of "a video encoder 106 that streams real-time video on the fly to Client 110," and "a web server, which interfaces Internet network and provide[s] services to Client 110." Office Action at 7.

For at least above reasons, the Examiner has failed to clearly articulate a reason why claims 3, 5, 10, 13, 15, 19, 23, and 24 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 3, 5, 10, 13, 15, 19, 23, and 24 and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

IV. § 103(a) Rejection of Claims 7-9, 21, and 22 Based on Dewkett and Hluchyj

Applicant respectfully traverses the rejection of claims 7-9, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett in view of Hluchyj. A *prima facie* case of obviousness has not been established.

Claims 7-9 depend from amended independent claim 1, and claims 21 and 22 depend from amended independent claim 17. As explained above with respect to claims 1 and 17, Dewkett fails to disclose at least "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams, and the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended independent claim 1 and similarly in amended independent claim 17. Hluchyj fails to cure these deficiencies of Dewkett.

Hluchyj is directed to "[a] high-capacity multistage switching system includ[ing] a second stage ATM switch that interconnects multiple lower-capacity switch modules." Hluchyj, Abstract. Hluchyj does not teach or suggest "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams, and the processors all having

concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended independent claim 1 and similarly in amended independent claim 17, and the Office Action does not allege otherwise because Hluchyj is relied upon only for its alleged teachings of "a pre-established connection path to transfer respective user data over the appropriate pre-established connection path through the ATM switch." Office Action at 8.

For at least above reasons, the Examiner has failed to clearly articulate a reason why claims 7-9, 21, and 22 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 7-9, 21, and 22 and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

V. § 103(a) Rejection of Claims 14 and 25 Based on Dewkett, Banks, and Cannon

Applicant respectfully traverses the rejection of claims 14 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett in view of Banks and further in view of Cannon. A *prima facie* case of obviousness has not been established.

Claim 14 depends from claim 3, and claim 25 depends from claim 19. As explained above with respect to claims 3 and 19, Dewkett and Banks, taken alone or in combination, fail to teach or suggest at least "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to

stream the plurality of video streams, and the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended independent claim 1 and similarly in amended independent claim 17, which claims 3 and 19 respectively depend from. Cannon fails to cure these deficiencies of Dewkett and Banks.

Cannon is directed to "[a] method for displaying streamed digital video data on a client computer[, which] is configured to receive the streamed digital video data from a server computer via a computer network." Cannon, Abstract. Cannon does not teach or suggest "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams, and the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended independent claim 1 and similarly in amended independent claim 17, and the Office Action does not allege otherwise because Cannon is relied upon only for its alleged teachings of "a Video Camera 106 and an encoder 110 that performs encodes video off-line or live and transfers to a Video Server 102 for transmission to Client 104." Office Action at 9.

For at least above reasons, the Examiner has failed to clearly articulate a reason why claims 14 and 25 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been

established with respect to claims 14 and 25 and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

VI. § 103(a) Rejection of Claim 16 Based on Dewkett, Banks, and Fukui

Applicant respectfully traverses the rejection of claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett in view of Banks and further in view of Fukui. A *prima facie* case of obviousness has not been established.

Claim 16 depends from claim 5. As explained above with respect to claim 5, Dewkett and Banks, taken alone or in combination, fail to teach or suggest at least "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams, and the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended independent claim 1, which claim 5 depends from. Fukui fails to cure these deficiencies of Dewkett and Banks.

Fukui is directed to "an interactive communication system which transmits/receives data at a high speed using an existing communication system." Fukui, col. 1, lines 7-9. Fukui does not teach or suggest "a plurality of nodes configured to stream a plurality of video streams from a video title, the video title divided into segments stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program configured to

combine the segments stored in the set of storage devices into the plurality of video streams and to stream the plurality of video streams, and the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended independent claim 1, and the Office Action does not allege otherwise because Fukui is relied upon only for its alleged teachings of "provid[ing] data in the form of HTML to Information Terminal 1." Office Action at 10.

For at least above reasons, the Examiner has failed to clearly articulate a reason why claim 16 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 16 and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

VII. New Claims 27 and 28

New claims 27 and 28 depend from amended independent claim 1 and are allowable by virtue of their dependence from an allowable independent claim. Furthermore, claims 27 and 28 recite further distinctions over the cited references. For example, claims 27 and 28 recite, among other things, "the segments stored throughout the set of storage devices." Nowhere does Dewkett disclose that segments of a movie are stored throughout a set of disks. For these additional reasons, Applicant respectfully requests allowance of new claims 27 and 28.

VIII. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims[1].

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: March 31, 2008

By: _____
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[1] As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.